

# Notice of Allowability

Application No.

09/942,624

Examiner

DONNIE L. CROSLAND

Applicant(s)

DARBY ET AL.

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication filed 6-18-04.
2. ☒ The allowed claim(s) is/are 20-48 and 50-55.
3. ☒ The drawings filed on 11-13-01 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
DONNIE L. CROSLAND  
Primary Examiner  
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### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

#### **Abstract**

In the Abstract of Disclosure dated 8-31-01, **lines 15-23** was deleted since the abstract is required to be on a separate page.

#### **Specification**

In the specification, page 1, before the first line, "This is a division of application Serial No. 09/042,722, filed March 17, 1998, now US Patent 6,400,281" was replaced by:

#### **-Related Applications**

**This application is a division of application serial number 09/042,722, filed March 17, 1998, now US Patent 6,400,281, which claims benefit of U.S. Provisional Application No. 60/040,585, filed March 17, 1997, and claims benefit of U.S. Provisional Application No. 60/040,586, filed March 17, 1997, and claims benefit of U.S. Provisional Application No. 60/044,333, filed March 27, 1997, and claims benefit of U.S. Provisional Application No. 60/043,753, filed April 09, 1997, and claims benefit of U.S. Provisional Application No. 60/064,529 filed November**

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**5, 1997, and claims benefit of U.S. Provisional Application No. 60/066,304, filed November 25, 1997.-**

On page 13, line 22, **"A further and exemplary description" was deleted; lines 23-26 were deleted.** The blank lines are incomplete sentence structure.

### **CLAIMS**

It has been noticed that only 19 claims was originally presented instead of 21.

Accordingly, presented claims 22-57 have been renumbered as claims 20-55.

The following examiner's amendment to the claims has been made.

Claims "22-57" have been renumbered as claims -20-55-.

Claims 21 and 22, line 1, "22" was changed to -20-.

Claim 23, line 1, "24" was changed to -22-.

Claims 24 and 25, line 1, "23" was changed to 21.

Claims 28 and 29, line 1, "29" was changed to -27-.

Claims 31 and 32, line 1, "32" was changed to -30-.

Claim 33, line 1, "34" was changed to -32-.

Claim 34, line 1, "35" was changed to -33-.

Claim 35, line 1, "32" was changed to -30-.

Claims 37 and 38, line 1, "38" was changed to -36-.

Claim 40, line 1, "41" was changed to -39-.

Claims 43 and 44, line 1, "44" was changed to -42-.

Claim 45, line 1, "46" was changed to -44-.

Claim 46, line 1, "47" was changed to -45-.

Claim 47, line 1, "48" was changed to -46-.

Claim 48, line 1, "44" was changed to -46-.

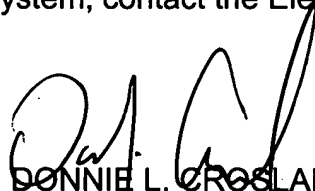
Claim 51, 52, and 53, line 1, "52" was changed to -50-.

Claim 54, line 1, "54" was changed to -52-.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DONNIE L. CROSLAND whose telephone number is (703) 305-4388. The examiner can normally be reached on Mon-Fri, 9:30a-6:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JEFFERY HOFSSASS can be reached on (703) 305-4717. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
DONNIE L. CROSLAND  
Primary Examiner  
Art Unit 2636